

103D CONGRESS
1ST SESSION

S. 1679

To establish a program to develop and demonstrate innovative technologies to combat shoreline erosion, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18 (legislative day, NOVEMBER 2), 1993

Mr. LAUTENBERG introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish a program to develop and demonstrate innovative technologies to combat shoreline erosion, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Shoreline Erosion Con-
5 trol Demonstration Act of 1993”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds that it is essential to
8 develop, demonstrate, and disseminate innovative tech-
9 nologies to prevent and control shoreline erosion because
10 of—

1 (1) the importance and increasing interest in
2 the coastal and estuarine zone of the United States;

3 (2) the deterioration of the shoreline within the
4 zone resulting from erosion;

5 (3) the harm to water quality and marine life
6 from shoreline erosion;

7 (4) the loss of recreational potential resulting
8 from shoreline erosion;

9 (5) the financial loss to private and public land-
10 owners resulting from shoreline erosion;

11 (6) the inability of private and public land-
12 owners to obtain satisfactory financial and technical
13 assistance to combat shoreline erosion; and

14 (7) the loss of structures or landmarks of his-
15 toric significance.

16 (b) PURPOSE.—It is the purpose of this section to
17 establish a program to develop, demonstrate, and dissemi-
18 nate information about innovative technologies to combat
19 shoreline erosion.

20 **SEC. 3. NATIONAL SHORELINE EROSION CONTROL DEVEL-**
21 **OPMENT AND DEMONSTRATION PROGRAM.**

22 The Act of August 13, 1946 (60 Stat. 1056, chapter
23 960; 33 U.S.C. 426e et seq.), is amended by adding at
24 the end the following new section:

1 **“SEC. 5. NATIONAL SHORELINE EROSION CONTROL DEVEL-**
2 **OPMENT AND DEMONSTRATION PROGRAM.**

3 “(a) DEFINITIONS.—As used in this section:

4 “(1) SHELTERED WATERS.—The term ‘shel-

5 tered waters’ means tidal waters that are not ex-

6 posed to the unmitigated forces of open ocean waves

7 and currents.

8 “(2) COST EFFECTIVE SHORE PROTECTION.—

9 The term ‘cost effective shore protection’ means the

10 most efficient design that can solve the erosion prob-

11 lem at a given site, taking into account the life cycle

12 cost of the project, including cleanup, maintenance,

13 and amortization.

14 “(b) ESTABLISHMENT OF NATIONAL SHORELINE

15 EROSION CONTROL DEVELOPMENT AND DEMONSTRA-

16 TION PROGRAM.—The Secretary of the Army (referred to

17 in this section as the ‘Secretary’), acting through the Chief

18 of Engineers, shall establish and conduct a national shore-

19 line erosion control development and demonstration pro-

20 gram (referred to in this section as the ‘program’) for a

21 period of 8 years beginning on the date that funds are

22 made available to carry out this section.

23 “(c) REQUIREMENTS.—

24 “(1) IN GENERAL.—The program shall include

25 provisions for—

1 “(A) planning, designing, and constructing
2 prototype engineered and vegetative shoreline
3 erosion control devices and projects during the
4 first 5 years of the program;

5 “(B) adequate monitoring of prototypes
6 throughout the duration of the program;

7 “(C) detailed engineering and environ-
8 mental reports on the results of each project in
9 the program; and

10 “(D) technology transfers to private prop-
11 erty owners and State and local entities.

12 “(2) EMPHASIS.—Demonstration projects es-
13 tablished pursuant to this section shall emphasize, to
14 the extent practicable—

15 “(A) the development and demonstration
16 of innovative technologies;

17 “(B) cost effective shore protection;

18 “(C) natural designs, including the use of
19 vegetation or temporary structures that mini-
20 mize permanent structural alterations;

21 “(D) the avoidance of negative impacts to
22 adjacent shorefront communities;

23 “(E) in areas with substantial residential
24 or commercial interests adjacent to the shore-

1 line, designs that do not impair their aesthetic
2 appeal;

3 “(F) the potential for long-term protection
4 afforded by the technology; and

5 “(G) lessons from evaluations of the origi-
6 nal 1974 program, including—

7 “(i) adequate consideration of the
8 subgrade;

9 “(ii) proper filtration;

10 “(iii) durable components;

11 “(iv) adequate connection between
12 units; and

13 “(v) additional relevant information.

14 “(3) SITES.—

15 “(A) IN GENERAL.—Shoreline erosion con-
16 trol demonstration projects shall be undertaken
17 at publicly or privately owned sites on open
18 coast or sheltered waters.

19 “(B) SELECTION.—The Secretary shall de-
20 velop site selection criteria, including—

21 “(i) a variety of geographical and cli-
22 matic conditions;

23 “(ii) the size of the population that is
24 dependent on the beaches for recreation,

1 protection of homes, or commercial inter-
2 ests;

3 “(iii) the rate of erosion;

4 “(iv) significant natural resources or
5 habitats and environmentally sensitive
6 areas; and

7 “(v) significant threatened historic
8 structures or landmarks.

9 “(C) AREAS.—Projects shall be under-
10 taken at no less than 2 sites on each of the
11 shores of—

12 “(i) the Atlantic, Gulf, and Pacific
13 coasts;

14 “(ii) the Great Lakes; and

15 “(iii) the State of Alaska.

16 “(d) COOPERATION.—

17 “(1) PARTIES.—The program shall be carried
18 out in cooperation with—

19 “(A) the Secretary of Agriculture, particu-
20 larly with respect to vegetative means of pre-
21 venting and controlling shoreline erosion;

22 “(B) Federal, State, and local agencies;

23 “(C) private organizations;

1 “(D) the Coastal Engineering Research
2 Center established by the first section of Public
3 Law 88–172 (33 U.S.C. 426–1); and

4 “(E) university research facilities.

5 “(2) AGREEMENTS.—Such cooperation may in-
6 clude entering into agreements with other Federal,
7 State, or local agencies or private organizations, to
8 undertake functions in subsection (c)(1) where ap-
9 propriate.

10 “(e) REPORTS.—

11 “(1) IN GENERAL.—The Secretary, acting
12 through the Chief of Engineers, shall annually pre-
13 pare and submit a program progress report to the
14 Committee on Environment and Public Works of the
15 Senate and the Committee on Public Works and
16 Transportation of the House of Representatives.

17 “(2) GENERAL REPORT.—The final report shall
18 be submitted not later than 60 days after the con-
19 clusion of the program, and shall include a com-
20 prehensive evaluation of the national shoreline ero-
21 sion control development and demonstration pro-
22 gram, and recommendations regarding its continu-
23 ation.

24 “(f) FUNDING.—

1 “(1) IN GENERAL.—Subject to paragraphs (2)
2 and (3), the Federal share of the cost of a project
3 under this section shall be determined in accordance
4 with section 3.

5 “(2) RESPONSIBILITY.—The cost of and re-
6 sponsibility for operation and maintenance of a
7 project, not including monitoring, under the pro-
8 gram shall be borne by non-Federal sponsors upon
9 completion of construction of the project.

10 “(3) COST SHARE ADJUSTMENT.—The cost
11 share requirements for projects on public lands that
12 provide for full public access may be adjusted by the
13 Secretary for projects in sponsoring communities
14 that are experiencing financial hardship, as defined
15 by the Secretary, at the time the project is se-
16 lected.”.

17 **SEC. 4. CONFORMING AMENDMENT.**

18 Section 1(e) of the Act of August 13, 1946 (60 Stat.
19 1056, chapter 960; 33 U.S.C. 426e(e)), is amended by
20 striking “section 3” and inserting “sections 3 and 5”.

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